

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-39 are currently pending.

In the Office Action, claims 1-7, 23, 25-28 and 36-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,553,232 to Shaffer et al. Applicants have amended independent claims 1 and 23 to further define the claimed invention. Applicants have also amended claims 3-4, 6-8, 25, 28 and 36-39 to clarify the invention. Applicants respectfully traverse the rejection. The present invention is directed to handing over a call of a wireless communication unit from a first wireless communication network to a second communication network. To make the handover, the present invention initiates a handover call while the first call is ongoing. The handover call is made to a separate handover number while the wireless communication unit is on the second communication network. The handover number is used to facilitate the handover of the ongoing communication of the first call.

Shaffer does refer to handing over a call from a first communication network to a second communication network. Shaffer, however, is directed to using a user's access patterns to decide when to hand over a call. A future location of a wireless communication device within regions of the first wireless communication network and the second communication network where there may be overlapping areas is predicted based on the monitoring of the previous locations of the device. The sections cited in the Office Action, e.g. col. 5, lines 33-64, discuss handover with the use a wireless switching control unit. Shaffer's WSC has a database that is used to predict a user's patterns of usage. The database is accessed to determine whether to switch from one network to the other. Shaffer does not mention the use of a handover number or a handover call to be used while the first call in the first communication network is ongoing. To the extent that Shaffer refers to a number it is the number of the wireless communication unit. There is no reference to a second number or a second call for the handover.

In view of the foregoing, it is respectfully submitted that Shaffer does not disclose the use of a handover number usable to facilitate a handover of ongoing communication of a first call of a wireless communication unit on a first wireless communication network

Serial No. 10/674,254
Belkin et al
Case No. CE11195R

wherein the handover is from the first communication network to the second communication network and wherein the handover is initiated by a handover call made by the wireless communication unit on the second communication network to the handover number while the first call is ongoing. Applicants therefore submit that independent claims 1 and 23 are not anticipated by Shaffer. As claims 2-7 depend upon claim 1 and claims 25-28 and 36-39 depend upon claim 23, Applicants also submit that the dependent claims are not anticipated by Shaffer. It is therefore respectfully requested that the rejection under Section 102(e) be withdrawn.

Claims 8-12, 20-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of United States Patent Application Publication No. 2002/0126701 to Requena. Applicants have amended independent claim 9 in a similar fashion to the amendments to claims 1 and 23 thereby further defining the invention. Claim 9 therefore includes a handover number to facilitate the handover of the ongoing communication so that a handover call is made by the wireless communication unit on the second communication network to the handover number while the first call is ongoing. As discussed above, the handover number and the handover call is not disclosed by Shaffer. In addition, these elements are not disclosed by Requena. Requena is directed to obtaining spatial information for use in an Internet Protocol network. The spatial information is used in providing the presence service in association with other user information, such as user identity.

In view of the foregoing, it is respectfully submitted that the combination of Shaffer and Requena does not disclose, teach or otherwise suggest the handover number and handover call of the present invention. Accordingly, it is submitted that independent claim 9 is non-obvious over the cited references. In addition, it is submitted that claim 8, which depends upon claim 1, claims 10-12 and 20-22, which depend upon claim 9 and claim 24, which depends upon claim 23, are also non-obvious over the cited references for the same reasons. Applicant respectfully request that the rejection under Section 103(a) be withdrawn.

In the Office Action, claims 13-19 and 29-35 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant

Serial No. 10/674,254
Belkin et al
Case No. CE11195R

notes with appreciation that the subject matter of these claims is deemed to be allowable if rewritten to include all limitations of the superseding and rejected claims. Applicant wishes to reserve the right to rewrite these claims, should further discussions regarding the base and superseding claims prove unrewarding.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
Belkin, Anatoly S., et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: 22917

By: _____

Simon B. Anolick

Simon B. Anolick
Attorney for Applicant
Registration No.: 37,585
Telephone: 847-576-4234
Fax: 847-576-3750